

AFFIDAVIT

I, Jacob R Guffey, being first duly sworn, hereby depose and state as follows:

1. I am investigating the activities of Dakota Ray MADDY, who while residing in the Western District of North Carolina, and elsewhere, did knowingly advertise, transport, and receive child pornography. This was done in violation of 18 U.S.C. §§ 2251(d) and 2252A(a)(1) and (a)(2).

STATUTORY AUTHORITY

2. This investigation concerns alleged violations of Title 18, U.S.C. §§ 2251(d) and 2252A(a)(1) and (a)(2), relating to material involving the sexual exploitation of minors.

- a. Title 18, U.S.C. § 2251(d) makes it a crime to knowingly make, print, and publish, and cause to be made, printed, and published, any notice and advertisement seeking and offering to receive, exchange, buy, produce, display, distribute, and reproduce, any visual depiction, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct; and participation in any act of sexually explicit conduct by and with any minor for the purpose of producing a visual depiction of such conduct; knowing and having reason to know that such notice and advertisement would be transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and such notice and advertisement was transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer.

- b. Title 18, U.S.C. § 2252A(a)(1) makes it a crime to knowingly mail, or transport, or ship, using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer, any child pornography.
- c. Title 18, U.S.C. § 2252A(a)(2) makes it a crime to knowingly receive or distribute (A) any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

PROBABLE CAUSE

3. On or about June 6, 2019, an undercover FBI Special Agent, FBI DIVISION 1, (“UC1”) used the LiveMe service to access a group chat (“GROUP 1”). The UC1’s activities were video recorded. Your Affiant has reviewed the video recording. Many of the posts overtly or obliquely referred to child pornography or the sexual exploitation of children. The UC1 observed GROUP 1 had several active users including the TARGET ACCOUNT. The UC1 observed that users in GROUP 1 posted, distributed, and commented on child pornography, including multiple video files depicting the sexual exploitation of children, including infants and toddlers.

4. Beginning on or about June 09, 2019 and continuing through on or about June 10, 2019, the UC1 contacted the TARGET ACCOUNT, and the following chat occurred:

UC1 statement to the group: I have about 1000 vids between the links I have. I’m sure there is stuff there lol”, “I will send but not all for free lol”, “need stuff in return”

UC1: Hey I’m a 38 yo dad with a 9 year old daughter, no limits, USA hbu?¹?

TARGET ACCOUNT: I’m 27 no kids yet

¹ A common abbreviation online for “how ‘bout you?”

TARGET ACCOUNT: USA also
 TARGET ACCOUNT: No limits harder the better
 TARGET ACCOUNT: Hello?
 UC1: Hey are u active with any
 TARGET ACCOUNT: No sorry I'm not, U"
 UC1: Yes dau²
 TARGET ACCOUNT: Nice, every play with her?
 UC1: Yes
 TARGET ACCOUNT: Mmmm how old?
 UC1: She's 9
 TARGET ACCOUNT: Awesome such a great age, so active, pic?
 UC1: I'm open to sharing, just have to trust people. What the youngest u have, looking for OC³, younger the better
 TARGET ACCOUNT: I prefer 0-10 and kinda chubby lol I have about 1000 vids on different links
 UC1: Mmmm, Original Content?
 TARGET ACCOUNT: I wish I lost all my stuff when my computer went down a few months ago. I've been looking for a female like me to be with but it's impossible apparently
 UC1: Yes it is, well I like 0-10, let me know when u have really good stuff
 TARGET ACCOUNT: I have links
 UC1: Give me a sample of your best link
 TARGET ACCOUNT: My best one? I'll send a link yea. What you sending?
 UC1: I have a sample I can send of my dau, but u have to delete
 TARGET ACCOUNT: Okay, I always do especially when it's family
 TARGET ACCOUNT: *[A Service 1 "link" was sent containing numerous videos of child pornography, depicting nude prepubescent age girls masturbating, engaging in sex acts with other children, and posing in sexually explicit positions.]*
 TARGET ACCOUNT: Now u?

5. The link sent to UC1 from TARGET ACCOUNT directed to SERVICE 1, a foreign-based file hosting service. From my training and experience, including experience with recent investigations, I am aware that SERVICE 1 is commonly used by child pornographers and persons seeking to receive and distribute child pornography. SERVICE 1 allows people to share files that are stored on SERVICE 1's servers and not directly on a user's computer. In the context

² A common abbreviation online for "daughter"

³ A common abbreviation online for "Original Content"

of GROUP 1 it would be expected by other users that the TARGET ACCOUNT's links would direct to child pornography.

6. The UC1 accessed the link and found that it directed to a folder titled, "Girls," which contained approximately 4.16GB of data. The folder contained approximately 175 files—almost all of which were video files, and many of which had titles indicative of child pornography. These titles included terms such as: "7yo⁴ girl shows pussy & ass in front of sleeping...;" "11yo Dance Strip Spread", and "12yo cutie pops out her swollen clit". Most of the files listed had a preview or thumbnail image next to the title. Many of the preview images depicted females who appeared to be under the age of 12, who were engaged in sexually explicit conduct, or whose genitalia were the focal point of the image. UC1 did not view or download the videos.

7. The UC1 accessed the user's profile page. On or about June 9, 2019, the TARGET ACCOUNT's profile listed a location of "outerspace." The account had 58 "fans" and followed 226 other accounts.

TARGET ACCOUNT INTERACTION WITH AN UNDERCOVER AGENT FBI DIVISION 2

8. On or about April 22, 2020, an undercover FBI Special Agent, FBI DIVISION 2, ("UC2") used the LiveMe service to access a group chat ("GROUP 2"). The UC2's activities were video recorded. I have reviewed the video recording. Many of the posts obliquely referred to child pornography or the sexual exploitation of children. The UC2 observed GROUP 2 had several active users, including the TARGET ACCOUNT. GROUP 2's title implied the content therein was meant to be sexually perverted. The UC2 observed that users in GROUP 2 posted links to SERVICE 1.

⁴ A common abbreviation for "years old."

9. The UC2 observed that the user of the TARGET ACCOUNT posted one link in GROUP 2. The link directed to SERVICE 1. In the context of GROUP 2, and GROUP 2's title, it would be expected by other users that the TARGET ACCOUNT's links would direct to child pornography.

10. The UC2 accessed the link and found that it directed to a folder titled, "Solo,". The folder contained approximately 423 video files, some of which had titles indicative of child pornography. These titles included terms such as: "pornstarbaby1" and "sexybaby". The files viewable to UC2 had a preview or thumbnail image next to the title. Many of the preview images depicted females who appeared to be under the age of 12, and who appeared to be engaged in sexually explicit conduct.

11. UC2 accessed a video file titled "2018-12-29 11.43.52.mp4". The file depicted a female approximately 15 to 20 years of age holding a minor female approximately 8 to 11 years of age. The minor is seen completely naked with the genitalia directed toward the camera. The older female is seen rubbing the child's labia.

12. After posting the link, the TARGET ACCOUNT asked, "Anyone sharing?" After that request was made, another user posted several links. The UC2 accessed a link posted by this user, which was available to the TARGET ACCOUNT. The link directed the UC2 to SERVICE

1. [REDACTED]

[REDACTED]. These titles included, "!New! (Pthc⁵) Daddy..." and "(PTHC LOLIFUCK OP...⁶)". Many of the preview images depicted females who appeared to be under the age of 12, and who appeared to be engaged in sexual activity. Your Affiant

⁵ "PTHC" is a common term known to mean Pre Teen Hard Core

⁶ "LOLI" is a term used to mean a minor female

recognized several of the videos, from previous investigations, as video files containing child pornography, including:

- a. A video file with a run time listed as 2:17, titled, “(NEW)_20101002_Fu...” The video was not accessed by UC2, however, your Affiant recognized the thumbnail image as previously identified child pornography. The thumbnail is of a completely nude female under the age of 8, with an adult male’s penis in her vagina and the words “FUCK ME” written on her stomach, with an arrow pointing to her vagina.

13. On May 9, 2020, UC2 encountered TARGET ACCOUNT on LiveMe, in GROUP 3 chat, where TARGET ACCOUNT was the group owner. TARGET ACCOUNT wrote, “Welcome everyone share please”. The UC2’s activities were video recorded. Your Affiant has reviewed the video recording. Many of the posts overtly or obliquely referred to child pornography or the sexual exploitation of children. The UC2 observed GROUP 3 had an active user who posted approximately 7 links to SERVICE 1 with a total size of approximately 58.3GB. One of the 7 links returned a message that the account had been removed for “objectionable content, such as Child Exploitation Material”. After the links were posted, TARGET ACCOUNT replied, “Anything new? Those have been around a while.”

14. The UC2 accessed the files associated with the shared links. Your Affiant viewed the files and has provided the following summaries of videos which TARGET ACCOUNT had access to:

- a. “9yo handjob cumshot on hand.mp4”, is a video file approximately 56 seconds long. In the video a female, who is nude from the waist down, and who appears to

be under the age of 8 assists an adult male in masturbation while holding his penis.

- b. “VID-20151105-WA0015.mp4”, is a video file approximately 51 seconds long. In the video, an adult male has his erect penis in the anus of a female who appears to be under the age of 12, and who is nude from the waist down.
15. GROUP 3’s title implied the content therein was meant to be sexually perverted.

IDENTIFICATION OF THE ACCOUNT USER

16. On or about October 11, 2019 LiveMe provided information in response to a subpoena related to the TARGET ACCOUNT. LiveMe records show the account is associated with SID 243159058. The account was registered on an iPhone 11, iPhone XS Max Global smartphone. The account was associated with EMAIL ADDRESS 1. IP Address: 47.38.87.78 was used to access the account resolved to Charter Communications on or about September 13, 2019.

17. On or about October 16, 2019 Charter Communications provided information in response to a subpoena related to the IP Address described in paragraph 16. The account was registered to Jenniffer Maddy, 141 Victoria Ct, Lenoir, NC, 28645.

18. On or about August 6, 2019 Google provided information in response to a subpoena related to EMAIL ADDRESS 1. The name on the account was Josh Stevens. The account was created on March 24, 2018. The telephone number associated with the account was 817-403-5009.

19. On or about September 3, 2019 Verizon provided information in response to a subpoena related to telephone number 817-403-5009. The phone number was registered to Cassandra Williams, 128 Freese Dr, Sanger, TX, 76266.

20. Open source database checks showed Cassandra Williams was associated with 128 Freese Dr, Sanger TX, 76266 as well as 209 Marion Dr, Little Elm, TX, 75068. Open source database checks showed that MADDY was also associated with those addresses.

21. A review of materials received from the search warrant served to LiveMe returned the following new information:

- a. From about June 8, 2019 through about May 12, 2020 the TARGET ACCOUNT accessed the internet through various IP addresses associated with an ATT Wireless account. The states associated with the accounts, according to the LiveMe production, were associated with Texas, California, Georgia, Maryland, and Michigan. Your Affiant served ATT Wireless with a subpoena requesting account subscriber information. ATT replied that information related IP addresses associated with cellular telephone use was not maintained and therefore could not be provided to your Affiant.
 - b. On or about May 6, 2020, the TARGET ACCOUNT accessed the internet through a Spectrum Business account. In response to a subpoena, Spectrum identified the account as belonging to Danny Herman, 15622 Valley Blvd, Fontana, California, 92335. An open source search of this address showed it belonged to Danny Herman Trucking.
 - c. An open source search of Danny Herman Trucking produced two company newsletters listing MADDY as an employee. Danny Herman Trucking listed its home office address as 339 Cold Springs Rd, Mountain City, TN, 37683.
22. The LiveMe search warrant showed the TARGET ACCOUNT was accessed through an iPhone 11.6 from June 8, 2019 through May 12, 2020.

CONTINUED ACTIVITY

23. On or about November 09, 2020, in LiveMe chat room referred to as GROUP 3 above, several individuals were sharing videos which contained child pornography.

24. One individual wrote, "Links?" and "Why can't I send vids in here?". MADDY, using the TARGET ACCOUNT, while acting as an administrator wrote, "yes you can" and "Idk sometime you have to send some messages first". MADDY then shared a video which the UC2 did not download, but which thumbnail appeared to show a female under the age of 12, nude from the waist down, and touching her vagina.

25. While in that same chat room, MADDY did act as the administrator and, through the TARGET ACCOUNT, wrote, "does anyone have anything to share? im gonna be deleting people all day" and "used to be very active. im Im probably gonna delete everyone and start fresh". He then posts a link to TamTam. TamTam had several links listed. One link led to a Mega Chat which contained a video of a nude boy under the age of 6 with an adult penis in his anus. The chat also had other links to other Mega folders which contained child pornography; including individuals under the age of 18 who were nude and engaged in sexual activity. A user also posted a video of a female who appeared to be under the age of 16 who exposed her vagina and masturbated with her hand.

26. On or about November 13, 2020, in LiveMe chat room, GROUP 3, several individuals were sharing videos which contained child pornography. One video was of a female under the age of 10 with an adult penis in her anus.

27. While in that same chat room, MADDY did act as the administrator and wrote, "you need to share something artistic. not a link that is shared already", and "that's the point of our room is to share links. and vids if you have no links". A user replies, "i do have links but I

don't know why you guys can't see it." MADDY responded with, "Idk when others share it always posts. send me a pm with one"

28. Another user posted a video of a female who appeared to be under the age of 16 with an adult penis in her vagina.

29. On or about December 8, 2020, LiveMe responded to a subpoena requesting current subscriber information for TARGET ACCOUNT for activity which occurred between September 2, 2020 and November 19, 2020. LiveMe provided the following updated information:

- a. IP address 65.132.137.174 was last used to access the account on or about October 26, 2020.
- b. IP address 47.38.80.174 was last used to access the account on or about November 11, 2020.
- c. IP address 47.135.67.64 was last used to access the account on or about October 26, 2020.
- d. Several IP addresses were returned which came back to AT&T Mobility. Your Affiant is aware that AT&T does not maintain records for dynamic IP addresses.
- e. Device ID: LM:JAaJr3+QemeXCsK+EMnSKRyOi+v3Gwtlk73fzVUd1M=
- f. Device Model: SM-G988U

30. On December 17, 2020, Charter responded to a subpoena request for subscriber information for IP addresses 47.135.67.64 and 47.38.80.174 for the aforementioned dates and times. The subscriber information returned was for:

- a. Subscriber Name: Jenniffer Maddy
- b. Subscriber Address: 141 Victoria Ct, Lenoir, NC, 28645

31. On December 14, 2020, Century Link replied to a subpoena which had been previously served to Qwest, which is owned by Century Link. They advised the IP address, 65.132.137.174 was being used by CVB, doing business as Malouf, located in Lenoir, North Carolina.

32. On December 29, 2020, the FBI executed a search warrant, issued out of the Western District of North Carolina. The search was conducted at 141 Victoria Court, Lenoir, North Carolina, 28645. During an interview, MADDY made the following admissions:

- a. He lives with his mother, Jenniffer Michelle Maddy and his father, Anthony Ray Maddy.
- b. He worked at Malouf, and had since June 2020.
- c. He used to work for Danny Herman Trucking out of Mountain City, Tennessee.
- d. He no longer has his iPhone. He traded it with AT&T for his current phone (SM-G988U)
- e. He has looked at child pornography in the past. His current cell phone should not have child pornography on it because he mainly views it with the phone, but does not download it.
- f. Either his iPhone or his new phone may have child pornography on it
- g. The LiveMe profile, TARGET ACCOUNT, was his account
- h. The email address associated with the account, EMAIL 1, belonged to MADDY.
- i. The profile picture associated with the account was one he chose.
- j. He was in LiveMe member's group, GROUP 3, as recent as 1 month ago.
- k. He was an administrator of the GROUP 3.

l. As an administrator he required other users to post child pornography in order to stay in the group.

m. He deleted the LiveMe app from his phone after the FBI had come by his house asking to speak with him.

n. The last time MADDY viewed child pornography was a couple of weeks ago. He was not sure if there was something screwed up with him that made him look at child pornography.

33. On or about April 14, 2021, SA Guffey completed the review of MADDY's cellphone and noted the make and the model of the phone matched that of the device reported being used by LiveMe. The Device ID provided by LiveMe was not located during the review. The LiveMe application was not found during the review. Child pornography was not found on the device.

CONCLUSION

34. Based on the aforementioned information, your Affiant respectfully submits that there is probable cause to believe that MADDY acted through TARGET ACCOUNT and, through that account, did knowingly advertise, transport, and receive child pornography. Your Affiant respectfully submits that there is probable cause to believe that MADDY has violated [18 U.S.C. §§ 2251\(d\) and 2252A](#).

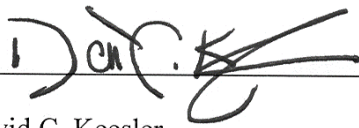
Respectfully submitted,

/s/ Jacob R. Guffey
Special Agent Jacob R. Guffey
United States Department of Justice
Federal Bureau of Investigation

This affidavit was reviewed by AUSA Courtney Randall.

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 24th day of September, 2021, at 2:18 PM

Signed: September 24, 2021



David C. Keesler
United States Magistrate Judge

